G. R. S. IX-5]

Previous references.

1916.

(Inzeai)

Later references.

File No. 327-1

Serial Nos. 1-5

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1— 5.

Part B for Dec. 17

SUBJECT.

Appeal pch. of one Ramagiriyamma of Murkhyaprana Char of Murle in the Gudibande Taluk re Pujarichar of Sri Anjaneya Swamy temple at the place.

To. Dy. Comm. Mysore. No. 1278 S.J. 3.12.17.

Forwards him a Copy of the G. O. passed in the Case, directing the dismissal of the appeal & that the produce of the inam lands, being part of the emoluments of the office should therefor be made available to the Respondent—Ramath No. 1279 S.J. 3.12.17. Copies to Appt. & Respt.

WD 88—GPB—50,000—21-7-16

D.R. Appadurai
Rs. VII D. 3/1 17

G. R. S. 11] 1916 - 17

GENERAL AND REVENUE SECRETARIAT.

(Inspn)

NOTES.

File No. 327-16

FILE HEADING.

Appeal petn of one Nanagiriayamma, widow of one Mukkya pranachar of meike in the Yedalore Taluk, re the Pujarihak of Sree Anjaneya Swami Temple at Meike.

From

Nanagiriyamma at meike in Yedalore Tk.

No. Appl petn Dated 25.11.16 Received

Diary No. 851	Enclos 2 Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Papers sent for inspn

Appeals against the order of the Dy Comr Mysore Dist in the matter of the Pujarihak in Sree Anjaneyaswami Temple at Meike, passed on 24.7.16, and prays that the above order may be ordered to be stayed pending the final disposal of this petn

NOTES AND ORDERS.

The petn is in time & is subsequently stamped.

The order of the Dy Comr appealed against, was in fact passed on the appeal

NOTES—First Sheet

GPB—20,000—8-8-14

W D 1233—GPB—60,000—1-12-16—S.

(2

G. R. S. III-2

General and Revenue Secretariat.

2nd File No. 327 of 1916

Serial No.

against the decision of the Subdl Officer in the case.

The Dy Comr after exhaustively discussing the merits of the case in all its aspects has confirmed the order of the Subdn Officer vide* para 3 of the D.O. order

Draft letter & Diary for report with connected records is sub for appl or other orders.

SG

12.12.16.

Flag Y 7

K.R.

Please see G.O. 27906 Jan. 1916 in this file

ann 15/12/16

Flag 7 *

Flag *B

In the G.O. referred to by the petr in para 4, which it is also adverted to by the Dy Comr in the course of his report, viz Inam Settlement Officer Rubkavi No. 2862 of 4.1.06, the petr Nanagirianma was appointed to the post in question after the death of her husband Mukkya-pranachar, as recommended by the Dy Comr. Nothing is stated about the office being claimed or the title of the petr thereto questioned by the present respondents of the case

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

File No. 327 of 1916

Serial No.

case.

8g
1542/16

The facts of the case are as follows-

Venkata Row (1)
|
Nanagiriamma (2)
+ Mukhya Pranachar

Puttabhatta Seshabhatta (3)
|
Ramabhatta (4)

Venkata Row (No 1) held the office of the Archek in the temple till 1879 when he resigned the office. Then Seshabhatta (No 3) was appointed. On this man's death, his nephew Ramabhatta (No 4) the present Respondent succeeded to the office. But in 1901, Venkata Row (No 1) who had resigned the office entered into and took possession of the temple and forcibly ousted the respondent. Subsequently the Amildar seems to have appointed one Mukhya Pranachar ~~wife~~ husband of No 2 (the present appellant) temporarily to the office. On his death in 1904 it was reported that the hakdar Mukhya Pranachar had died and that his widow Nanagiriamma might be appointed as Baraevardar and that the work might be taken by her father Venkata Row. This was approved by Govt in their order No 2862 § 4-1-06. Meanwhile Ramabhatta who was pressing his claim to the office seems to have filed a Regular

NOTE—Contn. sheet.

GPB—70 000—17 12 15

WD 1283—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 327 of 1916.

Serial No.	
	suit. As both the lower Courts have decreed in his (respondents) favour, the appellant has come up to Govt and prays for the issue of a Stay order in the Case. Printed order of July 1901 quoted in the Deputy Commr's order is put up. It is a point for consideration whether a regular suit is maintainable by the Deputy Commr or the Assistant Commr when the Govt has passed an order on the Miscellaneous side in the same matter Submitted for orders. aum 20/12/16 Call for ~~report~~ the records of the Com. No stay notice appears to be required lee 23.12.16 Appl. time lee 23.12.16
2	No: 1607 dy 2.1.17, Dy Comr of Mysore, calls for connected records in the case.
3.	Time, Dy Commissioner, Mysore Dist C., Letter no. 554 dy 10.3.1917 Submits the connected records called for in sl. 2.

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S. (5

G. R. S. III-2]

General and Revenue Secretariat. | File No. 327 of 1916.

Serial No.

The facts of the case are given at sufficient length in the Sub Divl. Officer's order Dt 29th March 1916 and the Dy. Comrs. order Dt 24th July 1916 appealed against.

Fg. 7)
Fg. 8)

May the case ~~will~~ be posted for admission ~~hearing~~ ~~if so directed~~.

W(GW) 16.3.1917 17/3/17

Post the case for hearing with the next batch of cases

Lee 19.3.17

Submit with usual notices to the 10th proxo.

W(GW) 20-3-17

Fg. 4

Under Govt. Proc. No 35-44 dated 8th July 1907, the Court of first instance is the amildar and the Suit in question was rightly filed before him. The appellate

Fg. 9

Dy Comrs remanded the case for a trial on merits and in so doing instead of sending back the case to the amildar he directed the Sub. Divl. Officer to try the case. The

NOTE—Contn. she

WD 1233—GPB—60,000—1 12-16—S

Serial No.

Subdiv. Office as Court has no jurisdiction to try and it is a question for consideration whether a reference under S2 Civil Court can be held to confer such jurisdiction.

However this is a matter in which a strict application of Civil Law would be inexpedient and the irregularity if any is not such as could be said to have prejudiced either of the parties.

On the merits of the case there are one or two aspects which do not appear to have attracted the notice they deserved. The charge in question has not only a paltry Land Assessment of Rs 2.15's per annum but also consists of some valuable lands viz Sy 2a.7g, [illegible] and wet 3a.6g with a total Assessment of Rs 23 while Rs 3 appear to be the Jodi Inam. In the original petition of Venkata Rao and in the Subsequent Statement of Venkat Rao and Sheshagiri Bhatta in 1879 nothing is mentioned about this land. It is presumable therefore that the land continued

(April 1879)
A

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1 12-16—

G. R. S. III-2]

General and Revenue Secretariat. | File No. 327 of 1916

Serial No.

1531

15 K, K,

She in the possession of Venkat-Rao, In this light. The terms of the amildar's reference dated 12th Nov. 1879 is significant. The amildar states that the work was taken from Soka Bhatta on behalf of Venkat Rao's behalf. It is not known any order was passed upon this reference and if so what the nature of the appointment was. Any how some years after, Soka Bhatta's name is found in the Bavasat list from which however no inference can be drawn that he was holding the office in his own right as a Wakadar.

Soka Bhatta appears to have died until 1909 vide Sch-B, and present dispute arose soon after. The Respt bases his whole case upon the hereditary nature of the Wat but no satisfactory proof of this, has been led in. Admittedly the office was acquired by Soka Bhatta himself and there can be no question of inam. The terms of the original appointment are therefore all the more important and they are not available vide also S. 34 of the Mysore Mfs indicating the circumstances under which a Mysore office is

NOTE—Contn. sheet.

ND 1233—GPB—60,000—1-12-16—S.

8

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191 6

Serial No.

Hon treated as hereditary

he

1st member 5.4.17

Mr C. Krishnamoorthy for apllt and Mr V. Venkatachari for respt. Mr C. K. moorthy not ready. Case is adjd. Date will be intimated later on.

he
11.4.17

Subject to notices to the 13th July

Appo.

ND.
20/6/17

W (SM)
20.6.17

Mr C. Krishnamoorthy for apllt and Mr V. Venkatachar for respdt. At the request of Mr Venkatachar, case is adjd. Date will be intimated later on.

ND

13.7.17.

Hojo. 5 21.8.1917

Mr C Krishnamurthi for appt and Mr L. Srinivasa Iyer for respondent, who was also present. Arguments heard. Orders reserved.

BO.

ND.
21.8.17

1452
8/10

NOTE—Contn. sheet.

Serial No.

1884
No. 11.

Note.

When Venkatachellam, the father of the appellant & the minor Ramaswami received in 1879, the office of the Rajah in which both vacant + was on behalf of the minor by Mr. Ramaraj, Venkatachellam, the uncle of the Rajah of Ramnad was appointed to the Head management by Govt. It cannot be said that because a statement was made by Venkatachellam, 3 months after his appointment as minister that the office must be made in the name of Venkatachellam, the transfer should be regarded as by Venkatachellam a fiction. It was not till 1901 that Venkatachellam finally ousted from the Rajah the successor his uncle Venkatachellam & the Rajah name was restored. Thereupon took possession of the Rajah. The office's husband Ramachellam appears to have acted in the interest of Venkatachellam. For, there is nothing on record to support the allegation that the Ramnad was ever known by the name of Venkatachellam. It is evident that the G. O. dated the 4th Sept

No 2862 4-1-06

NOTE—Contn. sheet.

General and Revenue Secretariat.

File No. 527 of 1916.

Serial No.

[illegible]

20/11/17

[illegible]

20/11

28/11/17

20.11.17

L.V.

[illegible]

26-11-17

26/11/17

[illegible]

28/11/17

28/11 29.11.17

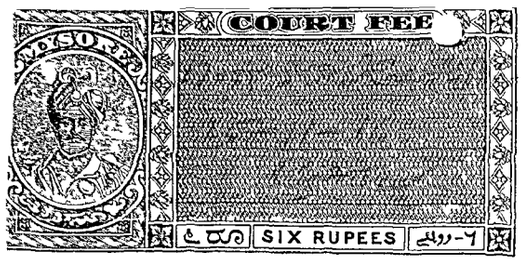
1.63 2 (16-17)

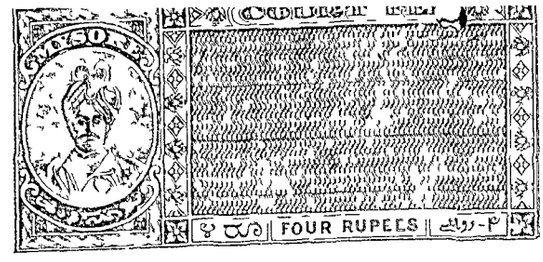
ND 1273—GPB—60,000—1-12-16—S.

General and Revenue Secretariat.

File No. 327 of 1916

Serial No.	
4	No: 1278 dt 3.12.17, to DC of Mysore, to a copy of the PO passed in the case, directing the dismissal of the appeal, & that the produce of the Devan lands, being part of the endowments of the Mosque shd therefore be made avai-lable to the Respdt.
5	No: 1298 dt 6.12.17, to the petnr & Respdt, informing him to the above.





Before the Goverment of H .H. the Maharaja of Mysore, Muzarai Department.

NOV 16

Muz. Appl No. of 1916-1917.

1-6 Re Stamp
1-4 Re Stamp
2 Envs
28/11/16
85

Appellant.	Respondent.
Namagiriamma.	Ramabhatta son of
widow of Mukhapranachar,	Puttabhatta, resid- 16 17
residing in Mirile, Yedatore	ing in Mirile, Yedatore 327-11
taluk.	re, Taluk.

The appellant above named begs to appeal against the decree of the Deputy Commissioner and Muzarai officer, Mysore District, in Muz. Appl No.1 of 1915-16 on the following among other grounds:-

1 The courts below erred in passing a decree in favour of the respondent, and in not understanding correctly the effect and scope of the previous proceedings in connection with the office in question.

2. Inasmuch

(a) as there is no proof that the office in question is a "hereditary" one to the respondent,

(b) as at no time did the baravard of the said office stand in the name of the respondent or of any of his ancestors,

(c) as the gift relied on by the respondent

is invalid in law,

(d) as the appellant's husband, Mukhyaprana char, was appointed as the pujari of the temple permanently and not temporarily, as wrongly supposed by the courts below, in November 1901 ,

(e) as the order of the Governent, appointing the appellant's husband as pujari, was passed after it was found that the respondent was neither entitled to nor was he a fit and a proper person to be the pujari,

(f) as the aforesaid order was passed to the knowledge of the respondent and after a consideration of his claims thereto,

(g) as the appellant was recognised as the persons entitled to the office, after the death of her husband in 1905 and

(h) as the respondent appellant has neither the right nor the justice to claim the office from the appellant,

the appellant submits that the courts below erred in holding that the respondent's suit is maintainable and that it is in time.

3. The appellant submits that she was unable to get the records of the proceedings, which culminated in the above said order, appointing the appellants husband as pujari exhibited in this case, as copies thereof were not granted, though an application there for was made by ~~the~~ her father, the 2nd defendant.

4. The courts below erred in making the appellant responsible for the respondent's costs in this litigation under the circumstances of this case.

5. The decision of the courts below is opposed to law, weight of evidence and probabilities of the case.

6. The appellant therefore respectfully prays that the decree of the lower appellate court may be set aside, and that as she is performing the duties of the pujari from 1905 and as the execution of the order of the lower appellate court pending the disposal of this appeal will cause her much injury and damage, she respectfully prays also that the execution of the decree appealed against may be ordered to be stayed pending the disposal of this appeal.

25-11-1916.

I the appellant above named solemnly declarethat what is stated above is true to the best of my knowledge except as to matters stated on information and that as to those matters I believe them to be true.

rehuked by
r. c. Krishna Moorthi
Advocate
10.4.1917.

COURT FEE — MYSORE — TWO RUPEES

ಕೋರ್ಟಿನಲ್ಲಿ.

ಸಂ 191 —1917 ನೇ ಸಾಲು ಫಿರ್ಯಾದಿ ನಂಬರು. 17

ವಾದಿ. (ಅರ್ಜಿದಾರ್)

ಪ್ರತಿವಾದಿ. (ಯದುರಾಳಿ)

vs.

ಈ ಕೆಳಗೆ ರುಜುವಾಡುವ

ಇದರಿಂದ ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯನ್ನು ಪರವಾಗಿ ಆಖೈರ್ ವರಿವಿಗೂ ವಿವಾದಜರಗಿಸಲಿಕ್ಕೆ ಅವರಿಗೆ ಏಕಾಲತ್ತು ಕೊಟ್ಟದೇ

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರೀವಾಡಿ ಹಣ ವಸೂಲ್‌ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ಬಂದ ಹಣಕ್ಕೆ ರಶೀತಿ ಕೊಡುವದಕ್ಕೂ ಕೋರ್ಟಿನಿಂದ ರೀಫಂಡಾದ ಸ್ಟ್ಯಾಂಪನ್ನು ವಾಪಸ್ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಮತ್ತು ದಸ್ತೈವಜುಗಳನ್ನು ವಾಪಸ್ ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ಇದರಿಂದ ನಿಮಗೆ ಸಂಪೂರ್ಣವಾದ ಅಧಿಕಾರ ಕೊಟ್ಟಧೇನೆ.

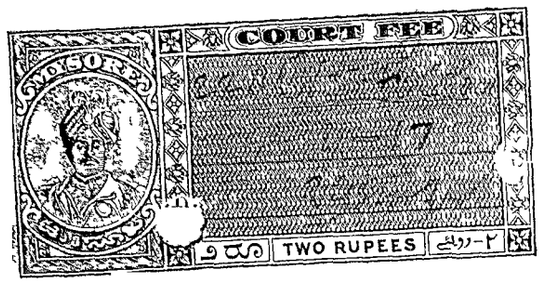
ಈ ಆಧಾರದ ಮೇಲೆ ನೀವಾಗಲೀ ಮತ್ತು ನಿಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಮಾಡುವ ಮೇಲ್ಕಂಡ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ಆಗಲಿ ಆಗುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧ ನಾಗಿ ಈ ಕೆಳಗೆ ರುಜುವಾಡಿದೆ

ಒಪ್ಪಿಧೇನೆ

ಕಕ್ಷಿಗಾರನು ಬಲ್ಲವನಾಗಿಧಾನೆ
ನನ್ನ ಸಮಕ್ಷಮ ರುಜುವಾಡಿಧಾನೆ.

ಪ್ಲೀಡರ್

ಕೆ. ನರಸಿಂಹಯ್ಯ ಕಂಪನಿ ಪ್ರಿಂಟರ್ಸ್, ಬೈಂಡರ್ಸ್, ಮೈಸೂರು.



In the Court of the

Presented by
Mr V. Venkatachar,
Advocate on 16-4-47

CASE No. 17 OF 191 — 191

Appellant Plaintiff

Respondent Defendant.

Vs

I the above named do by these presents (I.) retain Messrs. L. Sreenivasiengar, V. Venkatachar, B. A., B. L., and D. Krishniengar, B. A., LL. B., Advocates, to appear in and conduct the above case on my behalf to judgement.

2. I further empower them to execute any decree or order that may be passed in my behalf and to receive from Court such sums of money as I may be entitled to get and to grant receipts therefor.

3. I also undertake to confirm and ratify all the legal acts done by the said Advocates in so doing.

ది—28—3—47

Accepted

Advocates for

Signed before me and personally known to me.

Advocates.

G.R.S 26]

SUBJECT calls for ~~a report~~ visite connected records in the matter of the Repair Work in Sree Anjaneyaswami Devasthana at-mirle in Yedatore Tk.

Diary No of letter replied to 851

Section Miscl

File No. 327-16

Serial No. 2

General and Revenue Secretariat

( )

, the 191 .

No 1607 Enc 3

Date of issue 2. 1. 1917

Signed by M. G. Srinivasaiyar

To The Dy: Commr,

Mysore Dist.

Sir,

I am directed to forward herewith petn regis: No 851 of 25-11-16 recd from one Ramagiri-amma, widow of one Mukhya pranachar at-mirle in the Yedatore Taluk, appealing against the order of the Dy Commr

mysore

Draft issued on

~~25.7.16~~ 24.7.16 in the matter of the Puyari Hak in the Temple of Sree Anjaneya Swami at-Nirle, and to request you will be good as to furnish the Court with connected records in the case ~~relevant in the matter~~.

Heavecke

Ag

23.11.16

For Secy to Govt.

amp 23/11/16 Agl Coll Dept

SG

12.12.16

List of enclosures.

Copied by

Examined by

GPB—20,000—11 2 11

GPB—50,000—17 9 15

19/7

From The Dy Commissioner Mysore District

To The General Secretary Mysore Chamber

Dated 10th March 1917

Despatched 12th March 1917.

Received

General No.
No.

Enclosure No.

Submits the entire file of records re the Panjarikatte in the temple of Sri Anjaneya Swami at Mulbagal, & a translation

1832
16 17
327-16

Ref 2. cas

Dated 10th March 1917.

From

K. Matthan, Esquire, BA

Dy Commissioner

Mysore District

To,

D. M. Narasinga Rao, Esqre, BA. BL

Secretary to the Govt of H. H. the

Maharajah of Mysore

General Department

Muzrai branch

Sir,

Adverting to your letter No 167 Muz 327-16 2

dated 2nd January 1917 calling for records in the

matter of the appeal preferred by Namagiriyamma ✝ B

re the Pujari Hak in the temple of Sri Anjaneya

Swami at Hirle, Yedatore Taluk, against the

order of this office passed on the 24th July 1916, I

have the honor to submit herewith the entire

file of records as called for.

I have the honor to be

Sir,

Your most obedient servant

K Matthan

Dy Commissioner

Mysore District

K

COURT FEE
ONE ANNA

REP. SECT.
7 DEC 1911

1664
1917

(G)

Before the Government of His Highness the Maharaja of Mysore.

Appeal No. 17 of 1916-17

Appellant.	*Vs.*	Respondent.
Namagiriamma daughter of Venkata Rao and wife of Mukhyaprana char (deceased) of Mirle Village, Yedatore Taluk Subject.		Rama Bhatta of Mirle Village, Yedatore Taluk.

Appeal against order dt. 24th July 1916 of the Dy Commr, Mysore Distt, directing the restoration of Rama Bhatta (respondent) to the Pujaniship of Sri Anjaneya Swami Temple at Mirle in the Yedatore Taluk.

Decision

The case was heard on 21st August 1917. Mr C. Krishnamurti appeared for appellant and Mr D. Sree for the respondent.

GPB—500—12-8-15

When Venkata Rao, the
father of the apl. and the
original karanavar resigned
1879, the office of the Pujari
in question fell vacant and
was absolutely at the disposal
of Govt. Accordingly, Sesha
Bhatta, the uncle of the respt.
Rama Bhatta was appointed
to the place unconditionally
by Govt. It cannot be said
that, because a statement
was given by Venkata Rao,
3 months after his unconditional
resignation that the appointment
be
was made in the name of
Shesha Bhatta, the transfer
should be regarded as a gift
by Venkata Rao.

It was not till 1901 that
Venkata Rao forcibly ousted
from office Rama Bhatta the
respt. who succeeded his
uncle Shesha Bhatta and
in whose name the karanavar
stood and took wrongful possession
the Pujaship in question.

R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

The apltˢ husband Mukhya Pranachar appears to have set in just at this time at the instance of Venkata Rao. for, there is nothing in record to support the allegation that the Baraward was ever made in his name under the orders of any duly constituted authority. It is evident that the Suit no. 2862 dy 4th January 1906 sanctioning the change of baraward in favor of the apltˢ was passed on a misrepresentation based upon an incorrect report from the Talukˢ. And on the strength of this Suit order the apltˢ chiefly bases her claim

dy. I)

The respondent has been earnestly pressing forward

his claims to the Pujaship
ever since he was wrongfully fully
dispossessed of it by Venkatesa Rao.
He has been rightly restored
to his former office. The
apet has no case
The appeal is dismissed.

Memo no. 1278 &

Copy to the Dy Commr,
Mysore Dist, with the
Govt. records received with
his letter no. 532 dy 12.3.(17)
As the enjoyment of the
Inam lands endowed to the
institn is part of the emoluments
of the office of the Pujari, the
produce from the lands
made available
must be paid to the respdt
future.

B. O.
Feb. 11-17
Joint Secretary
Muz. Deptt.

GPB—20,000—16-2-14

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

W D 2634—GPB—2,000—7 4-16

Before the Government of His Highness the Maharaja of Mysore.

APPEAL No. 17 *OF* 1916-17.

APPELLANT. vs. RESPONDENT.

Namagiriamma daughter of Venkata Rao and wife of Mukhyaprancchar (deceased) of Mirle village, Yedatore Taluk.

Rama Bhatta of Mirle Village, Yedatore Taluk.

SUBJECT.

Appeal against order dated 24th July 1916 of the Deputy Commissioner, Mysore District, directing the restoration of Rama Bhatta (respondent) to the Pujariship of Sri Anjaneya Swami Temple at Mirle in the Yedatore Taluk.

DECISION.

The case was heard on 21st August 1917. Mr.C.Krishnamurti appeared for the appellant and Mr. L. Sreenivasiengar, for the respondent.

When Venkata Rao, the father of the appellant and the original barawarddar resigned in 1879, the office of the Pujari in question fell vacant and was absolutely at the disposal of Government.. Accordingly, Sesha Bhatta, the uncle of the respondent Rama Bhatta was appointed to the place unconditionally. It cannot be said that, because a statement was given by Venkata Rao, 3 months after his unconditional resignation that the appointment be made in the name of Shesha Bhatta, the transfer should be regarded as a gift by Venkata Rao.

It was not till 1901 that Venkata Rao forcibly ~~xxxxx~~ ousted from office Rama Bhatta the respondent who succeeded his uncle Shesha Bhatta and in whose name the brarward stood and took wrongful possession of the Pujariship in question. The appellant's husband Mukhyapranachar appears to have got in just at this time at the instance of Venkata Rao for, there is nothing in record to support the allegation that the Baraward was over made in his name under the orders of any duly constituted authority. It is evident that the Government order No.2862 dated 4th January 1906 sanctioning the charge of baraward in favor of the appellant was passed on a misrepresentation based upon an incorrect report from the Taluk. And on the strength of this Government order the appellant chiefly basees her claim.

The respondent has been earnestly pressing forward his claims to the Pujariship ever since he was wrongfully dispossessed of it by Venkata Rao. He has been rightly restored to his former office. The appellant has no case.

The appeal is dismissed.

W D 2584—GPB—2,000—7 4 16

Before the Government of His Highness the Maharaja of Mysore.

APPEAL No. 17 *OF* 1916-17.

APPELLANT.

Namagiriamma daughter of Venkata Rao and wife of Mukhyapranachar (deceased) of Mirle village, Yedatore Taluk.

RESPONDENT.

Rama Bhatta of Mirle Village, Yedatore Taluk.

SUBJECT.

Appeal against order dated 24th July 1916 of the Deputy Commissioner, Mysore District, directing the restoration of Rama Bhatta (respondent) to the Pujariship of Sri Anjaneya Swami Temple at Mirle in the Yedatore Taluk.

DECISION.

The case was heard on 21st August 1917. Mr.C.Krishnamurti appeared for the appellant and Mr. L. Sreenivasiengar, for the respondent.

When Venkata Rao, the father of the appellant and the original barawarddar resigned in 1875, the office of the Pujari in question fell vacant and was absolutely at the disposal of Government.. Accordingly, Sesha Bhatta, the uncle of the respondent Rama Bhatta was appointed to the place unconditionally. It cannot be said that, because a statement was given by Venkata Rao, 3 months after his unconditional resignation that the appointment be made in the name of Shesha Bhatta, the transfer should be regarded as a gift by Venkata Rao.

It was not till 1901 that Venkata Rao forcibly ~~ousx~~ ousted from office Rama Bhatta the respondent who succeeded his uncle Shesha Bhatta and in whose name the brarward stood and took wrongful possession of the Pujariship in question. The appellant's husband Mukhyapranachar appears to have got in just at this time at the instance of Venkata Rao for, there is nothing in record to support the allegation that the Baraward was over made in his name under the orders of any duly constituted authority. It is evident that the Government order No.2862 dated 4th January 1906 sanctioning the charge of baraward in favor of the appellant was passed on a misrepresentation based upon an incorrect report from the Taluk. And on the strength of this Government order the appellant chiefly bases her claim.

The respondent has been earnestly pressing forward his claims to the Pujariship ever since he was wrongfully dispossessed of it by Venkata Rao. He has been rightly restored to his former office. The appellant has no case.

The appeal is dismissed.

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